

The Kentucky State Board for Proprietary Education

April 20, 2012

A regular meeting of the Kentucky State Board for Proprietary Education was conducted on April 20, 2012 at the Office of Occupations and Professions in Frankfort, KY.

<u>Members Present</u> Bill Johnson, Chairman Jan Gordon, Vice Chairman David Keene Glen Wilham Lois Weaver Leonard Napolitano Walter Lee Jim Jackson Dr. Steve Meade <u>Members Absent</u> Vivian Nash	<u>Occupations and Professions Personnel</u> Lindsey Lane, Board Administrator Courtney Bourne, Executive Director <u>Others</u> Brenda Allen, General Counsel Dr. Tom Barron, Board Investigator Cindy Landry, ATA College Candace Bensel, KACCS Bruce Kepley, Academy of Dental Assisting Greg Goins, Choice MD & TMIKY Jeremy Meade, Choice MD & TMIKY
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Chairman Bill Johnson called the meeting to order at 10:44 am.

Approval of Minutes

Minutes of the March 30, 2012 meeting were presented for the Board's review. Mr. Jackson made a motion to approve the minutes as presented. Mr. Wilham seconded that motion and it carried unanimously.

Review of Financial Report

The Board reviewed financial report that ended on March 30, 2012.

Licensure Status Report

Ms. Lane presented the current Licensure Status Report to the Board. The report showed there are currently 122 Resident Schools and 31 Non-Resident Schools for a total of 153 licensed schools. There are 156 licensed school Agents and 27 CDL Instructors.

Executive Director Report

Executive Director Courtney Bourne handed out an audit spreadsheet which included the audit recommendations as well as actions that the Board has taken since the audit was released. Ms. Bourne explained the audit was released a year ago on this day and she wanted the Board to see how far they've come and what great work they've done. There are only a few recommendations that have not been addressed but will be corrected soon once new regulations that the board has been working on have been filed and approved.

Board Administrator Report

Ms. Lane informed the Board of all actions that she had taken since the March 30, 2012 meeting. An approval letter was sent to RealEstateCE.com, located in Russellville, Tennessee for their Application for a Non Resident School. An approval letter was sent to Ross Medical Education Center, located in Bowling Green, Kentucky pending a site visit from the Boards Investigator of their facility, for their Application for a Resident School. An approval letter was sent to Spencerian College, located in Louisville, Kentucky for their Application to Revise an Existing Program for 25% or more. An approval letter was sent to CDL Training Services and Consulting, located in Elizabethtown, Kentucky for their application to Change the Location of their school. Spencerian College located in Lexington, Kentucky received an acknowledgement letter for their Notification to Revise an Existing Program for Less than 25%. LearningInsurance.com received a letter that their Application for Non Resident School was deferred due to missing documentation. International Truck Driving School, located in Bowling Green, Kentucky received a deferral letter for their Application to Change the Location of their School due to missing documentation. A suspension letter was sent to Delta Career Academy for recent findings from the Boards Investigator that the school was not compliant with the Boards Laws and Regulations.

Ms. Lane informed the Board that out of the nine Decker College transcript requests that she's received she was able to fulfill eight of them.

Board Counsel Report

Ms. Allen did not have anything to report at this time but will be following up on the items listed under Old Business later in the meeting.

Board Chair

There was no report for the April meeting.

New Schools / Programs Committee

Application for a Resident School

Ms. Gordon made a motion to approve the Application for a Resident School submitted by Choice MD, located in London, Kentucky, pending their site visit from the Boards Investigator. Mr. Napolitano seconded that motion and it carried. Dr. Meade recused himself from the vote on this application.

Application for a Non-Resident School

Dr. Meade made a motion to defer the Non-Resident School Application submitted by Cooke Real Estate School Headquarters, Inc., located in St. Petersburg, Florida due to missing documentation and fees not submitted. Mr. Wilham seconded that motion and it carried.

Ms. Gordon made a motion to defer the Non-Resident application submitted by 360 Training.Com DBA Learning Insurance.com located in Austin, Texas for the second time. The school has yet to submit the missing documentation that was originally discussed in the March meeting. Dr. Meade seconded that motion and it carried.

Application to Change the Location of a School

Mr. Keene made a motion to approve the Application to Change the Location of a School submitted by International Truck Driving School located in Bowling Green, KY. The school submitted their fire inspection that was required by the Board from the State Fire Marshall. Mr. Wilham seconded that motion and it carried.

Application for a New Program

Mr. Keene made a motion to approve the Application for a New Program from New Horizons Computer Learning Center, located in Lexington, Kentucky. Mr. Napolitano seconded that motion and it carried.

Application to Award an Associate Degree

Mr. Keene made a motion to approve the Application to Award an Associate Degree submitted by Interactive College of Technology, located in Newport, Kentucky pending a successful site visit from the Board Investigator. Mr. Wilham seconded that motion and it carried.

Application to Change the Name of a School

Ms. Gordon made a motion to approve the Application to Change the Name of a School submitted by Academy of Dental Assisting & MedQuest, located in Louisville, Kentucky. The school will now do business as Academy of Dental Assisting at MedQuest College. Mr. Napolitano seconded that motion and it carried. Ms. Gordon made note of the affidavit that was received from school owner Tom Cropper noting his original application that he submitted to the board did not match the name he intended to submit. The Board reviewed and went forward with the approval process. Dr. Meade recused himself from the vote.

Notification to Revise an Existing Program for Less than 25%

Mr. Keene made a motion to acknowledge the Application to Revise an Existing Program for Less than 25% submitted by Interactive College of Technology in Newport, Kentucky. Mr. Napolitano seconded that motion and it carried.

Commercial Drivers License Committee Report

Mr. Wilham informed the Board he had reviewed one new CDL Instructor application and made a motion to approve. Mr. Keene seconded that motion and it carried.

Dr. Barron and Mr. Wilham expressed concern over a CDL school that is licensed by the Board that has a potential complaint coming to the Board for review soon.

Complaint Review Committee Report

There are currently three complaints:

#2011-004 – Ms. Weaver made a motion to refer this complaint to the Investigator for further review. Mr. Jackson seconded that motion and it carried.

#2011-005 – Ms. Weaver made a motion to dismiss this complaint. Mr. Jackson seconded that motion and it carried. Ms. Gordon and Mr. Keene recused themselves from the vote.

#2011-006 – Ms. Weaver made a motion to dismiss this complaint. Mr. Wilham seconded that motion and it carried. Ms. Gordon and Mr. Keene recused themselves from the vote.

Investigator Report – Pending Inspections

Dr. Barron has started his no notice inspections. At this time he has completed five of these inspections one of which was Delta Career Academy in Mt. Sterling, Kentucky that recently was sent a letter from the Board informing them to suspend operations for up to thirty days or until the school was in compliance with the licensed Instructor/Student ratio. Dr. Barron informed

the Board that Delta is working to correct these issues and has already licensed one Instructor and is working on the licensure of two more Instructors at this time. Dr. Barron reported he's had three Satisfactory no notice inspections from the following schools: Bluegrass Nurse Aide Training, located in Lexington, Kentucky, Right Choice Health Care Training Institute, located in Louisville, Kentucky, and MedTech College, located in Lexington, Kentucky. He informed the Board that one of the schools on his list was HealthCare Career Services, located in Lexington, Kentucky and upon arrival found out that this school had closed some time in 2011 after renewing its license to operate through the Board. Mr. Lee made a motion to have Dr. Barron do some research on what happened to the school and where its records are located since the Board requires all student transcripts and financial information be submitted to them once a school has closed its doors and no longer is operating. Ms. Gordon seconded that motion and it carried. Mr. Keene recommended following up with the school's surety bond holder in case any expenses are accrued during this investigation.

Dr. Barron reported he also did the application follow up inspections for Ross Medical Education Center for their Application for Resident School and they received a satisfactory inspection. International Truck Driving School also received a satisfactory inspection for their Change in Location.

Ms. Gordon recommended the Board start keeping track of school owners as they submit applications to the Board in case their school closes and they attempt to open another school at a different time. Mr. Lee made a motion to keep a database of school owners as schools license applications are submitted. Mr. Napolitano seconded that motion and it carried.

Old Business

Ms. Allen reported on the current status of House Bill 308, a bill that would abolish the Board for Proprietary Education and begin working as a Commission under the Workforce Development Cabinet. The Bill has been signed by the Governor and once the members of the Commission have been appointed, all files and records will be transferred from the Office of Occupations and Professions to the Workforce Development Cabinet. Dr. Barron mentioned the contracts for investigative and legal services are set to expire on June 30, 2012 and asked Ms. Bourne if they would grant an extension since the transition may not take place until mid July. Ms. Bourne explained that she would look into that and report back to the Board.

Ms. Allen gave an update on the Decker College Student Protection Fund claims. Ms. Allen did find one student that filed a claim seeking reimbursement that does in fact qualify. Rosie Churchill submitted all appropriate paper work to the Board in order to prove she was entitled a settlement. Ms. Allen explained the payment should go to the credit agency ACS and she will work on contacting someone from that company to find out the necessary steps to settle this

claim for this Decker College student. Mr. Jackson made a motion to authorize Ms. Allen to pay ACS on behalf of Rosie Churchill in an amount not to exceed \$7,500.00 due to all documentation provided. Mr. Keene seconded that motion and it carried.

Ms. Allen asked the Board to please look over the regulation packets that she provided in the March meeting as the Board will need to vote on those revisions to the regulations in May.

Ms. Gordon showed an advertisement found in a Courier Journal insert that talks about an educational institute not licensed by the Board but advertising in the state. The Board asked Dr. Barron to look into the advertisement and report back to the Board in May with any findings.

Travel and Per Diem

Mr. Lee made a motion to approve travel and per diem for all members that attended today's meeting as well as any member that traveled on Board related business since the February meeting. Ms. Weaver seconded that motion and it carried unanimously.

Adjournment

Mr. Lee made a motion to adjourn the meeting. Ms. Gordon seconded that motion and it carried unanimously.

Meeting adjourned at 12:05pm.